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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHRISTOPHER TABAREZ,

Defendant.

CASE NO. 2:21-CR-211-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: November 7, 2023

TIME: 9:30 a.m.

COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 7, 2023. In its order setting this hearing date, the Court stated: "No further continuances of the status conference in this case will be granted absent a compelling showing of good cause." ECF No. 73.

2. By this stipulation, defendant now moves to continue the status conference until January 16, 2024, for status conference (likely change of plea hearing), and to exclude time between November 7, 2023, and January 16, 2024, under Local Code T4. Defendant asks the Court to find "a compelling showing of good cause" based on the fact that one of defendant's counsel is unavailable for the next approximately two months due to a medical issue. January 16, 2024 is the next available date that works for all parties.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes more than 400 pages of investigative reports, photographs, and other documents and materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to review the discovery, conduct factual investigation, review the charges and potential defenses and resolutions, confer with their client, and otherwise prepare for trial.

c) Counsel for defendant believes defendant will change his plea at the next status conference. However, both counsel for defendant need to be able to meet with defendant and to attend court with him to advise him regarding his anticipated change of plea. One of defendant's counsel, who is essential to these meetings and to appear in court with the defendant, is unavailable for court for the next approximately two months due to a medical issue. In the event defendant decides not to plead guilty at the next court date, the time counsel needs to meet with defendant prior to his anticipated change of plea will also be necessary for counsel's trial preparation.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 7, 2023 to January 16, 2024~~NEW DATE~~, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's

request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 1, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

Dated: November 1, 2023

/s/ Megan Virga
Megan Virga
Ronald Peters
Counsel for Defendant
ARMANDO CHRISTOPHER
TABAREZ

ORDER

Pursuant to the stipulation of the parties and based upon the compelling showing of good cause for the requested continuance, the status conference/possible change of plea hearing previously scheduled for November 7, 2023 is vacated and rescheduled for January 16, 2024 at 9:30 a.m. and time is excluded from November 7, 2023, through January 16, 2024 under Local Code T4. However, while certainly understanding of the situation surrounding counsel's unavailability at this time, if that situation has not resolved by January 16, 2024, the court is inclined to proceed on that date with the scheduled status conference.

IT IS SO ORDERED.

Dated: November 1, 2023

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE

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